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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,769	12/26/2000	Ippo Aoki	04329.2483	9942

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EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/746,769

Applicant(s)

AOKI ET AL.

Examiner

MINH D DAO

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 2,3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **Detailed Actions**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen (US Patent 5,797,089).

Regarding claim 1, Nguyen teaches a radio communication apparatus comprising: radio communication means for effecting radio communication by transmitting/receiving a radio signal (See Fig. 3, item 32, Col. 5, lines 23-30); information processing means for performing at least storage and display of information (See Fig. 3, RAM 42, Display screen 23); input means for receiving an instruction from a user See Fig. 3, item 23, Col. 5, lines 53-56); and control means (See Fig. 3, telephone switch 26) for disabling transmission of the radio signal from the radio communication means while keeping the information processing means operable (See Fig. 3, PDA power switch 25), in

accordance with presence/absence of the instruction from the user through the input means (Col. 4, lines 7-11).

Regarding claim 4, Nguyen teaches a radio communication apparatus according to claim 1, further comprising alarm means for indicating that the information processing means is operable and the transmission of the radio signal by the radio communication means is disabled (Col. 4, lines 12-16).

Regarding claim 5, Nguyen teaches a radio communication apparatus according to claim 1 wherein the information processing means has at least one of a clock function for measuring and displaying time (Col. 5, line 43), a scheduler function for storing schedules (Col. 5, line 42), a telephone directory function for storing telephone numbers (Col. 5, lines 51-51), and a mailer function for storing and displaying a received e-mail (Col. 5, lines 16-19).

Regarding claim 6, the claim is the apparatus claim of claim 1 and therefore is rejected for the same reason set forth in claim 1.

***Allowable Subject Matter***

2. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, Reference Nguyen (US Patent 5,797,089) teaches all of the limitations of claim 1. However, Nguyen fails to teach a predetermined instruction from the user has been accepted through the input means within a predetermined time period from switch-on of the apparatus, and the function of the control means as specified in the claim.

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, Reference Nguyen (US Patent 5,797,089) teaches all of the limitations of claim 1. However, Nguyen fails to teach that the control means renders the information processing means operable after switch-on of the apparatus, and if a predetermined instruction from the user has been accepted thereafter through the input means, the control means enables the transmission of the radio signal by the radio communication means as specified in the claim.

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Papineau et al. (US 2002/0090931) discloses Fly-Safe Operating Mode For Smart Phone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Minh Dao  
Examiner  
Art Unit 2682

*Nguyen V.*  
11/7/03

NGUYEN T. VO  
PRIMARY EXAMINER